

# **Exhibit 7**

1361

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

-----:  
:  
BMG RIGHTS MANAGEMENT (US) LLC, :  
et al., :  
Plaintiffs, :  
: Case No. 1:14-cv-1611  
vs. :  
: :  
COX ENTERPRISES, INC., et al., :  
Defendants. :  
-----:

VOLUME 7 (A.M. portion)

TRIAL TRANSCRIPT

December 10, 2015

Before: Liam O'Grady, USDC Judge

And a Jury

1                   Mr. Buckley.

2                   MR. BUCKLEY: We submitted the Hauprich deposition  
3 designations which you were supposed to get last night and  
4 didn't.

5                   THE COURT: All right. And I've looked at them and  
6 we'll make copies. I've struck all the -- I've sustained the  
7 objections to the three areas where -- which were in contest.  
8 So -- I mean, I think there were only three. So I sustained  
9 the objection to each of those, but I'll get you a copy of the  
10 paper in a minute.

11                  MR. BUCKLEY: All right.

12                  THE COURT: All right. We're in recess.

13                  NOTE: At this point a recess is taken; at the  
14 conclusion of which the case continues in the absence of the  
15 jury as follow:

16 JURY OUT

17                  THE COURT: All right. Are we ready for our jury?

18                  All right, Joe, let's get our jury.

19                  MR. ALLAN: Yes, Your Honor, just to revisit the  
20 issue before we broke yesterday with the 96 percent effective  
21 that we think that Mr. Cadenhead will speak to. That was  
22 subject to motion in limine number 7. And it related to, it  
23 was a motion to preclude Cox and its experts from making that  
24 very statement. And Your Honor granted it.

25                  THE COURT: Okay.

1                   MR. ALLAN: And the point is, Your Honor, is that  
2 it's just -- it's unreliable testimony concerning the  
3 effectiveness of the system.

4                   I will further note, Your Honor, if you recall Mr.  
5 Vredenburg's testimony where we went through that ticket and it  
6 showed all the various steps that the person got and never got  
7 past the e-mail warning, that proves that it's actually -- that  
8 the system is not effective.

9                   We moved to compel additional tickets during  
10 discovery to help prove this and offset the 96 percent  
11 effectiveness argument that Cox will make, and we lost that  
12 motion.

13                  So I think because of that motion to compel where we  
14 tried to get additional information and Your Honor's ruling on  
15 motion in limine number 7, they should be prevented from  
16 introducing that evidence.

17                  THE COURT: All right. Thank you, Mr. Allan.

18                  Mr. Bridges.

19                  MR. BRIDGES: Your Honor, if I recall correctly, a  
20 lot of that motion in limine had to do with Mr. Rosenblatt's  
21 statistics, and it was also tied -- I don't have the brief -- I  
22 remember looking at the briefs a couple days ago. It was sort  
23 of all about the DMCA. And the DMCA is out.

24                  And these are topics that are appropriate for cross  
25 as to whether these were effective or not, but I think Cox

1 should be allowed to put its understanding into evidence. And  
2 this is part of a presentation, industry presentation that he  
3 gave.

4 THE COURT: Mr. Cadenhead has no knowledge of whether  
5 they are correct or incorrect, right?

6 MR. BRIDGES: Oh, I believe he does, Your Honor,  
7 because --

8 THE COURT: Well, he --

9 MR. BRIDGES: -- he was overseeing the process and he  
10 compiled these -- this report. That's my understanding. I  
11 believe he has some knowledge and views on that, and I think  
12 that's entirely appropriate for cross-examination.

13 THE COURT: All right. I'll allow the testimony, and  
14 you can cross-examine on it.

15 All right, Joe, let's get our jury.

16 NOTE: At this point the jury returns to the  
17 courtroom; whereupon the case continues as follows:

18 JURY IN

19 THE COURT: All right. Please be seated.

20 Good morning, ladies and gentlemen. I hope you had a  
21 good evening. Did you all heed my advice not to do any  
22 research or investigation or talk about the case? All right.  
23 Thank you very much.

24 All right. We were in the middle of Mr. Cadenhead's  
25 direct examination last night when we broke. Is he with us